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09/828,864	04/10/2001	Hans Carlsson	P12545-US1-BMOA	6952
24112	7590	10/04/2005	EXAMINER	
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			HO, CHUONG T	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/828,864

Applicant(s)

CARLSSON ET AL.

Examiner

CHUONG T. HO

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

1. Claims 1-46 are pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12, 27-38, 39-46, 13-20, 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Mazur et al. (U.S. Patent No. 2002/0114311)

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

2. In the claim 1, see figure 3, see page 3 [0029], Mazur et al. discloses a system of implementing packet data service at a mobile terminal (10a, 10b) in a radio-communications network, comprising: sending or receiving data packets via a first packet data service over a first radio-communication channel (8a) comprising a first bandwidth (30 kHz bandwidth); and sending or receiving data packets via a second data service over a second radio-communication channel (8b) comprising a second

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bandwidth (200 kHz bandwidth), the second radio-communications channels being a circuit-switched control channel (see page 4, [0037] [0038] [0039]).

3. In the claims 2, 8, 14, 17, 22, Mazur et al. discloses the first packet data service comprises an EGPRS-136 packet data service (see page 3, [0029]).

4. In the claims 3, 9, 15, Mazur et al. discloses the first packet data service comprises a GPRS packet data service (32) (see figure 3).

5. In the claims 4, 10, 28, 34, Mazur et al. discloses the first bandwidth comprises a 200 kHz bandwidth (see figure 3, see page 3, [0029]).

6. In the claims 5, 11, 29, 35, Mazur et al. discloses the second bandwidth comprises a 30 kHz bandwidth (see figure 3, page 3, [0029]).

7. In the claims 6, 12, 31, 32, 37, 38, 40, 42, 43, 16, 23, Mazur et al. discloses the second packet data service comprises a General UDP Transport Service (GUTS)/General Packet Radio Service (GPRS) packet data service (see figure 3, page 3, [0029]).

8. In the claim 7, see figure 3, see page 3 [0029], Mazur et al. discloses a system of implementing packet data service at a mobile terminal (10a, 10b) in a radio-communications network, comprising: sending or receiving data packets via a first packet data service over a first radio-communication channel (8a) comprising a first bandwidth (30 kHz bandwidth); and sending or receiving data packets via a second data service over a second radio-communication channel (8b) comprising a second bandwidth (200 kHz bandwidth), the second radio-communications channels being a circuit-switched control channel (see page 4, [0037] [0038] [0039]).

9. In the claim 27, see figure 3, page 3 [0029], Mazur et al. discloses a system of serving packet data in a radio-communication system, comprising: receiving first packets over a first radio-communication channel (28b) comprising first bandwidth (200 kHz bandwidth); forwarding the first packets, via the first path, to a packet-switched network (6); receiving second packets over a second radio-communications channel comprising a second bandwidth (30 kHz bandwidth), the second radio-communications channel being a circuit-switch control channel; and forwarding the second packets, via a second path (28a), to the packet-switched network (6) (see figure 3, page 3, [0029]).
10. In the claims 30, 36, 44, Mazur et al. discloses the second path comprises a mobile switching center (see figure 3, page 3, [0030]).
11. In the claim 33, see figure 3, see page 3 [0029], Mazur et al. discloses a system of implementing packet data service at a mobile terminal (10a, 10b) in a radio-communications network, comprising: sending or receiving data packets via a first packet data service over a first radio-communication channel (8a) comprising a first bandwidth (30 kHz bandwidth); and sending or receiving data packets via a second data service over a second radio-communication channel (8b) comprising a second bandwidth (200 kHz bandwidth), the second radio-communications channels being a circuit-switched control channel (see page 4, [0037] [0038] [0039]); a first base station (26b) that: receiving and forwards the first packets, via a first path, to a packet-switched network (see figure 3, page 3, [0029]); and a second base station (26a) that receiving and forwards the second packets, via a second path, to the packet-switched network (see figure 3, page 3, [0029]).

12. In the claims 39, 41, see figure 3, page 3, [0029], Mazur et al. discloses a server (8b), comprising: a communication interface that receives packets transmitted from a mobile terminal (10a, 10b) using a packet-data service; and a processing unit that processes the received packets for transmission to a serving general packet radio service serving node (SGSN 18) (see figure 3, page 3, [0032] [0029]).

13. In the claim 45, see figure 3, page 3, [0029], Mazur et al. discloses a radio-communications network, comprising: a mobile terminal (10a, 10b); a packet-switched network (8b) that selectively provides a 200 kHz packet data service to the mobile terminal (10a, 10b); and a circuit-switched network (8a) that selectively provides, in conjunction with the packet-switched network, a 30 kHz packet data service to the mobile terminal (10a, 10b) (see figure 3, page 3, [0029]).

14. In the claim 46, see figure 3, page 3, [0029], Mazur et al. discloses a system of providing packet data service to a mobile terminal (10a, 10b) in a radio-communication network, comprising: providing a 30 kHz packet data service to the mobile terminal (10a, 10b); and selectively providing a 200 kHz packet data service to the mobile terminal (10a, 10b) based on quality of service (see page 2, [0017]) requirements of the mobile terminal (10a, 10b).

15. In the claims 13, 21, see figure 3, page 3, [0029], Mazur et al. discloses a system or implementing packet data service at a mobile terminal (10a, 10b) in a radio-communication network, comprises: determining a preference between a first data service and a second packet data service (see page 1, [0011]); determining, if the first packet data service (26b) is preferred, whether the first data service (8b) is available;

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attaching to the first packet data service if the first packet data service is available (see page 1, [0011], page 3, [0029] [0032]); and attaching to the second packet data service (8a) if the first packet data service (8b) is unavailable.

16. In the claims 18, 19, 20, 24, 25, 26, see figure 3, page 3, [0029], Mazur et al. discloses using a routing area update message to attach to the first packet data service (see page 3, [0032]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-5, 7, 10-11, 27, 28-29, 33, 34-35, 39, 45, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haeggstrom (U.S. Patent No. 6,167,040) in view of Rajaniemi et al. (U.S. Patent No. 6,487,399 B1).

In the claims 1, see figure 2, Haeggstrom (U.S. Patent No. 6,167,040) discloses a system of implementing packet data service at a mobile terminal (MS) in a radio-communication network, comprising: sending or receiving data packets via a first packet data service (IP) over a first radio-communication channel ; and sending or receiving data packets via a second packet data service (PSTN) over a second radio-communication channel, the second radio-communications channel being a circuit-switched control channel (MSC/VLR) (see col. 4, lines 45-67, col. 5, lines 7-10).

However, Haeggstrom is silent to disclosing a first radio-communications channel comprising a first bandwidth; and the second radio-communication channel comprising a second bandwidth.

Rajaniemi et al. (U.S. Patent No. 6,487,399 B1) discloses a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz) (see a system of use by a multi-mode, dual band mobile terminal (10) for identifying a presence of a GSM1900 carrier that is channelized into first channels having bandwidth of 200 kHz, and for distinguishing the GSM1900 carrier from at least at TDMA1900 carrier that is channelized into a second channel having a bandwidth of 30 kHz).

Both Haeggstrom and Rajaniemi discloses the mobile station. Rajaniemi recognizes a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Haeggstrom with the teaching of Rajaniemi to provide a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz) in order to be enable the mobile send and receive voice call as well as send and receive e-mail.

17. Regarding to claims 4, 10, 28, 34, Rajaniemi discloses the first bandwidth comprises a 200 kHz bandwidth (see abstract).



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18. Regarding to claims 5, 11, 29, 35, Rajaniemi discloses the second bandwidth comprises a 30 kHz bandwidth.

19. Regarding to claim 7, see figure 2, Haeggstrom (U.S. Patent No. 6,167,040) discloses a system of implementing packet data service at a mobile terminal (MS) in a radio-communication network, comprising: sending or receiving data packets via a first packet data service (IP) over a first radio-communication channel ; and sending or receiving data packets via a second packet data service (PSTN) over a second radio-communication channel, the second radio-communications channel being a circuit-switched control channel (MSC/VLR) (see col. 4, lines 45-67, col. 5, lines 7-10).

However, Haeggstrom is silent to disclosing a first radio-communications channel comprising a first bandwidth; and the second radio-communication channel comprising a second bandwidth.

Rajaniemi et al. (U.S. Patent No. 6,487,399 B1) discloses a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz) (see a system of use by a multi-mode, dual band mobile terminal (10) for identifying a presence of a GSM1900 carrier that is channelized into first channels having bandwidth of 200 kHz, and for distinguishing the GSM1900 carrier from at least at TDMA1900 carrier that is channelized into a second channel having a bandwidth of 30 kHz).

Both Haeggstrom and Rajaniemi discloses the mobile station. Rajaniemi recognizes a first radio-communications channel comprising a first bandwidth

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(bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Haeggstrom with the teaching of Rajaniemi to provide a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz) in order to be enable the mobile send and receive voice call as well as send and receive e-mail.

20. Regarding to claim 27, see figure 2, Haeggstrom (U.S.Patent No. 6,167,040) discloses a system of implementing packet data service at a mobile terminal (MS) in a radio-communication network, comprising: sending or receiving data packets via a first packet data service (IP) over a first radio-communication channel ; and sending or receiving data packets via a second packet data service (PSTN) over a second radio-communication channel, the second radio-communications channel being a circuit-switched control channel (MSC/VLR) (see col. 4, lines 45-67, col. 5, lines 7-10).

However, Haeggstrom is silent to disclosing a first radio-communications channel comprising a first bandwidth; and the second radio-communication channel comprising a second bandwidth.

Rajaniemi et al. (U.S.Patent No. 6,487,399 B1) discloses a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz) (see a system of use by a multi-mode, dual band mobile terminal (10) for identifying a presence of a GSM1900 carrier that is channelized into first channels

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having bandwidth of 200 kHz, and for distinguishing the GSM1900 carrier from at least at TDMA1900 carrier that is channelized into a second channel having a bandwidth of 30 kHz).

Both Haeggstrom and Rajaniemi discloses the mobile station. Rajaniemi recognizes a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Haeggstrom with the teaching of Rajaniemi to provide a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz) in order to be enable the mobile send and receive voice call as well as send and receive e-mail.

21. Regarding to claim 33, see figure 2, Haeggstrom (U.S.Patent No. 6,167,040) discloses a system of implementing packet data service at a mobile terminal (MS) in a radio-communication network, comprising: sending or receiving data packets via a first packet data service (IP) over a first radio-communication channel ; and sending or receiving data packets via a second packet data service (PSTN) over a second radio-communication channel, the second radio-communications channel being a circuit-switched control channel (MSC/VLR) (see col. 4, lines 45-67, col. 5, lines 7-10).

However, Haeggstrom is silent to disclosing a first radio-communications channel comprising a first bandwidth; and the second radio-communication channel comprising a second bandwidth.

Rajaniemi et al. (U.S. Patent No. 6,487,399 B1) discloses a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz) (see a system of use by a multi-mode, dual band mobile terminal (10) for identifying a presence of a GSM1900 carrier that is channelized into first channels having bandwidth of 200 kHz, and for distinguishing the GSM1900 carrier from at least at TDMA1900 carrier that is channelized into a second channel having a bandwidth of 30 kHz).

Both Haeggstrom and Rajaniemi discloses the mobile station. Rajaniemi recognizes a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Haeggstrom with the teaching of Rajaniemi to provide a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz) in order to be enable the mobile send and receive voice call as well as send and receive e-mail.

22. Regarding to claim 39, see figure 2, Haeggstrom (U.S. Patent No. 6,167,040) discloses a system of implementing packet data service at a mobile terminal (MS) in a radio-communication network, comprising: sending or receiving data packets via a first packet data service (IP) over a first radio-communication channel ; and sending or receiving data packets via a second packet data service (PSTN) over a second radio-

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communication channel, the second radio-communications channel being a circuit-switched control channel (MSC/VLR) (see col. 4, lines 45-67, col. 5, lines 7-10).

However, Haeggstrom is silent to disclosing a first radio-communications channel comprising a first bandwidth; and the second radio-communication channel comprising a second bandwidth.

Rajaniemi et al. (U.S. Patent No. 6,487,399 B1) discloses a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz) (see a system of use by a multi-mode, dual band mobile terminal (10) for identifying a presence of a GSM1900 carrier that is channelized into first channels having bandwidth of 200 kHz, and for distinguishing the GSM1900 carrier from at least at TDMA1900 carrier that is channelized into a second channel having a bandwidth of 30 kHz).

Both Haeggstrom and Rajaniemi discloses the mobile station. Rajaniemi recognizes a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Haeggstrom with the teaching of Rajaniemi to provide a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz) in order to be enable the mobile send and receive voice call as well as send and receive e-mail.

23. Regarding to claim 45, see figure 2, Haeggstrom (U.S. Patent No. 6,167,040) discloses a system of implementing packet data service at a mobile terminal (MS) in a radio-communication network, comprising: sending or receiving data packets via a first packet data service (IP) over a first radio-communication channel ; and sending or receiving data packets via a second packet data service (PSTN) over a second radio-communication channel, the second radio-communications channel being a circuit-switched control channel (MSC/VLR) (see col. 4, lines 45-67, col. 5, lines 7-10).

However, Haeggstrom is silent to disclosing a first radio-communications channel comprising a first bandwidth; and the second radio-communication channel comprising a second bandwidth.

Rajaniemi et al. (U.S. Patent No. 6,487,399 B1) discloses a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz) (see a system of use by a multi-mode, dual band mobile terminal (10) for identifying a presence of a GSM1900 carrier that is channelized into first channels having bandwidth of 200 kHz, and for distinguishing the GSM1900 carrier from at least at TDMA1900 carrier that is channelized into a second channel having a bandwidth of 30 kHz).

Both Haeggstrom and Rajaniemi discloses the mobile station. Rajaniemi recognizes a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz). Thus, it would have been obvious to one of

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ordinary skill in the art at the time of the invention to modify the system of Haeggstrom with the teaching of Rajaniemi to provide a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz) in order to be enable the mobile send and receive voice call as well as send and receive e-mail.

24. Regarding to claim 46, see figure 2, Haeggstrom (U.S.Patent No. 6,167,040) discloses a system of implementing packet data service at a mobile terminal (MS) in a radio-communication network, comprising: sending or receiving data packets via a first packet data service (IP) over a first radio-communication channel ; and sending or receiving data packets via a second packet data service (PSTN) over a second radio-communication channel, the second radio-communications channel being a circuit-switched control channel (MSC/VLR) (see col. 4, lines 45-67, col. 5, lines 7-10).

However, Haeggstrom is silent to disclosing a first radio-communications channel comprising a first bandwidth; and the second radio-communication channel comprising a second bandwidth.

Rajaniemi et al. (U.S.Patent No. 6,487,399 B1) discloses a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz) (see a system of use by a multi-mode, dual band mobile terminal (10) for identifying a presence of a GSM1900 carrier that is channelized into first channels having bandwidth of 200 kHz, and for distinguishing the GSM1900 carrier from at least

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at TDMA1900 carrier that is channelized into a second channel having a bandwidth of 30 kHz).

Both Haeggstrom and Rajaniemi discloses the mobile station. Rajaniemi recognizes a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Haeggstrom with the teaching of Rajaniemi to provide a first radio-communications channel comprising a first bandwidth (bandwidth of 200 kHz), and the second radio-communication channel comprising a second bandwidth (bandwidth of 30 kHz) in order to be enable the mobile send and receive voice call as well as send and receive e-mail.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

25. Claims 13, 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Forslow (U.S. Patent No. 2003/0039237 A1).

Regarding to claim 13, see figure 2, Forslow discloses determining a system of implementing packet data service a mobile terminal in a radio-communication network,



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comprising: determining a preference (see page 12, claim 1, a mobile station establishing a communication with mobile communications network during which plurality flows associated with an application are communicated between the mobile station and an external network entity; for each of the plural application flows, determining whether a circuit-switched bearer or a packet-switched bearer from the mobile station toward the external network entity should established) between a first packet data service and a second packet data service; determining, if the first packet data service is preferred, whether the first packet data service is available (see page 12, claim 3, resources available in the mobile communications network to support the requested quality of service and a selected one of the circuit-switched and packet-switched bearers) attaching to the first packet data service if the first packet data service is available; and attaching to the second packet data service if the first packet data service is unavailable.

26. Regarding to claim 21, see figure 2, Forslow discloses determining a system of implementing packet data service a mobile terminal in a radio-communication network, comprising: determining a preference (see page 12, claim 1, a mobile station establishing a communication with mobile communications network during which plurality flows associated with an application are communicated between the mobile station and an external network entity; for each of the plural application flows, determining whether a circuit-switched bearer or a packet-switched bearer from the mobile station toward the external network entity should established) between a first packet data service and a second packet data service; determining, if the first packet

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data service is preferred, whether the first packet data service is available (see page 12, claim 3, resources available in the mobile communications network to support the requested quality of service and a selected one of the circuit-switched and packet-switched bearers) attaching to the first packet data service if the first packet data service is available; and attaching to the second packet data service if the first packet data service is unavailable.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T. HO whose telephone number is (571) 272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

09/30/05

  
**WELLINGTON CHIN**  
**ASSISTANT PATENT EXAMINER**